IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.7810 OF 2004

The Swastik Rubber Products Pvt. Ltd. ...Petitioner.
Vs.
M/s.Singh Light House. ...Respondents.
....
Mr. R. G. Ketkar for the Petitioner.
Ms. Lalita Panchakshari for the Respondent.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

October 21, 2005.

P.C.:

The applications filed by the Petitioner at Exhs. 102 and 132 in Special Civil Suit No.1048 of 1968 for stay of further proceedings under Section 22 of the Sick Industrial Companies (Special Provisions) Act, 1985, were dismissed on the ground that the Act has been repealed by the Sick Industrial Companies (Repeal) Act, 2003. Counsel appearing on behalf of the contesting parties are agreed in stating before the Court that the Repeal Act has still not been brought in force by the Central Government by a notification published in the Official Gazette in terms of Section 1 (2). That being the position, it would be only appropriate and proper to set aside the impugned order and to remit the proceedings back to the Joint Civil Judge, Senior

Division, Pune for taking a final decision on the applications at Exhs.102 and 132 afresh. During the pendency of these proceedings, an ad-interim order came to be passed on 21st September 2004 in terms of prayer clause (c) by which further proceedings in Special Civil Suit No.1048 of 1968 came to be stayed. The ad-interim order dated 21st September 2004 shall continue to operate until the applications at Exhs.102 and 132 are disposed of.

In the circumstances, the impugned order of the Joint Civil Judge, Senior Division dated 21st August 2004 below Exhs.102 and 132 in Special Civil Suit No.1048 of 1968 is quashed and set aside and the applications are restored for final disposal. The petition is accordingly disposed of.

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